



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 28 October 2011

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: CRAIG WILLIAMS**

Panel Judge Russell Lewis (Chair), Mr Darren McGee, Mr Graeme Ward.

Appearances Mr Matthew Stirling, instructed by Mr Paul O’Sullivan of O’Sullivan Saddington Lawyers, appeared as Counsel for Mr Williams.

Mr Peter Ryan appeared on behalf of the Stewards.

At Bendigo on Wednesday, 26 October 2011 jockey Craig Williams was found guilty of a charge of careless riding on his mount *The Red Emperor* in Race 7 the *Yalumba 0-68 Handicap* (2200m).

The careless riding being that he permitted his mount to shift out rounding the home turn when not sufficiently clear of *Fast Ruler* resulting in that gelding being tightened between *The Red Emperor* and *Kolokotronis* and as a result *Fast Ruler* had to be checked.

Mr Williams had his licence to ride in races suspended for a period to commence at midnight on Saturday, 29 October 2011 and to expire at midnight on Tuesday, 8 November 2011 - a total of 10 race meetings (3 metropolitan, 7 country). In assessing penalty Stewards deemed the interference to be in the mid range and took into account Craig Williams record and the feature meetings the suspension includes and also the manner in which *Fast Ruler* reacted after the incident.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 27 October 2011.

DECISION: **Appeal dismissed.**

Penalty to remain standing.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR D. McGEE
MR G. WARD

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE YALUMBA 0-68 HANDICAP
OVER 2200 METRES AT BENDIGO ON 26/10/11**

JOCKEY: CRAIG WILLIAMS

MELBOURNE

FRIDAY, 28 OCTOBER 2011

MR P. RYAN appeared on behalf of the RVL Stewards

MR M. STIRLING (instructed by O'Sullivan Saddington Lawyers) appeared
on behalf of the Appellant

CHAIRMAN: This is an appeal by rider Craig Williams against conviction and penalty, he having been found guilty of a charge of careless riding at Bendigo on 26 October 2011. The Appellant was suspended from midnight, Saturday, 30 October until midnight, Tuesday, 8 November. In this appeal, Mr Peter Ryan appeared on behalf of the Stewards, and Mr Matthew Stirling of counsel, instructed by Mr Paul O'Sullivan, appeared on behalf of the Appellant, Craig Williams.

The Board has given careful consideration to the transcript, the oral evidence given at this hearing, the evidence disclosed by the films taken from various angles, and the submissions of those representing the parties. The onus is on the stewards to prove the charge on the balance of probabilities.

Much reliance has been placed by the Appellant's counsel on the evidence of Nash Rawiller who was not called to give evidence at this hearing. The Board does not attach a great deal of weight to much of his evidence, being of the opinion that he was attempting to help his fellow rider. However, his evidence is important when he admitted that when he was required to take hold, the Appellant's horse was three-quarters to one length ahead of him.

The Board is satisfied that rounding the home turn, The Red Emperor shifted out across the running of Fast Ruler when it was only three-quarters to one length clear of that horse. That shift caused Fast Ruler to be tightened between The Red Emperor and Kolokotronis which was racing truly on the outside of Fast Ruler. Nash Rawiller, the rider of Fast Ruler, had to check his

mount which, when checked, behaved very erratically, made contact with Kolokotronis, and was fortunate not to have come down.

The Board rejects the Appellant's explanation that he only made a slight and gradual shift which resulted in some tightening and that this was simply an example of competitive riding. In short, it rejects the Appellant's explanation that what occurred was a normal race-day incident where the horse, namely Fast Ruler, behaved erratically when racing tightly between horses.

In summary, the Board is satisfied that the Appellant rode carelessly and therefore the appeal against conviction must be and is dismissed.

DISCUSSION

In this appeal as to penalty, the Appellant's counsel has argued that the penalty is excessive, having regard to the degree of carelessness involved. Indeed, counsel for the Appellant referred to this charge of careless riding as a "traffic offence", a pejorative phrase which in the Board's view undermines and diminishes the true nature and import of the offence.

It should be remembered that it is a golden rule of riding that when crossing the running of other horses in a race, you must be two lengths clear. The reason for this rule is that it is for your own safety and that of your mount and also for the safety of your fellow riders and their mounts because, as we all know from experience, it is impossible to predict the ultimate consequences that might

flow from careless riding.

Sometimes an act of carelessness can lead to very substantial and crushing consequences. Sometimes an act of carelessness can result in only minor interference or harm to others but nevertheless be the result of carelessness. In the end, the consequences of a careless act are impossible to predict and cannot always be foreseen to their ultimate end.

Mr Stirling further submitted that this is a special case. The Board does not agree. The mere fact that this offence occurred a few days before the Melbourne Cup does not elevate the appeal to the status of a special case. The submissions made concerning the rider's disappointment, the owners' disappointment, the opportunity to create history and the like are hardly novel, but are simply a consequence of the offence.

Reference was made to the fact that the offence was committed in a modest race at Bendigo. In the Board's opinion, whether the race be a maiden or a Group 1, the obligation and responsibility on the rider to ride in accordance with the rules do not change.

In the Board's opinion, there is nothing special or exceptional about this case which amounts to an extenuating circumstance, where justice should be tempered with mercy; for example, where significant hardship is established should a period of suspension be imposed.

In relation to the Board's discretion, the Board is not impressed with the suggestion that a stay should be granted until midnight on Cup Day. In the opinion of the Board, the Stewards correctly characterised the degree of carelessness as being in the mid-range, the parameters of which are 10 to 14 meetings. In the Board's opinion, the Stewards did take into consideration the Appellant's recent riding record and the immediate consequences, financial and otherwise, of the suspension, including the Appellant's understandable disappointment of not being able to ride in the Cup.

Looking at the matter another way, but for the fact that the Spring Carnival is upon us, the Stewards would have been justified in imposing a longer period of suspension. In the Board's opinion, the penalty of 10 meetings' suspension was well within the range of penalties open to the Stewards and, accordingly, the Board is not satisfied that it should vary the penalty. The appeal against penalty is dismissed.

END OF EXTRACT